

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 4:09CR73

BRIAN JOHNSON

ORDER

This cause is before the Court on the defendant's Motion for Continuance of Trial [17]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The defendant seeks a continuance of the trial set to commence on June 29, 2009. In support of the motion, defense counsel avers that the government has provided substantial discovery and more is forthcoming. Defendant's attorney is actively involved in plea negotiations. Furthermore, his obligations in numerous other matters have left him with insufficient time to prepare for the trial of this matter. This is defendant's first request for a continuance. The government has no objection to the requested relief. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from June 29, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a reasonable time for adequate and effective preparation of his defense. Therefore, the ends of justice served by the granting of this continuance

outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. Defendant's Motion for Continuance of Trial Setting [17] is GRANTED;
2. That the trial of this matter is continued until Monday, August 24, 2009 at 9:00 a.m.
in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from June 29, 2009 until August 24, 2009 is excluded as set out
above;
4. That the deadline for filing pretrial motions is August 3, 2009;
5. That the deadline for submitting a plea agreement is August 10, 2009.

SO ORDERED, this the 15th day of June, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE